

(MOUNTAIN VIEW ORCHARDS, BLOCK 3, LOT 12, AP (ESAU)
FOUR-LOT MINOR SUBDIVISION)

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Randy Fifrick

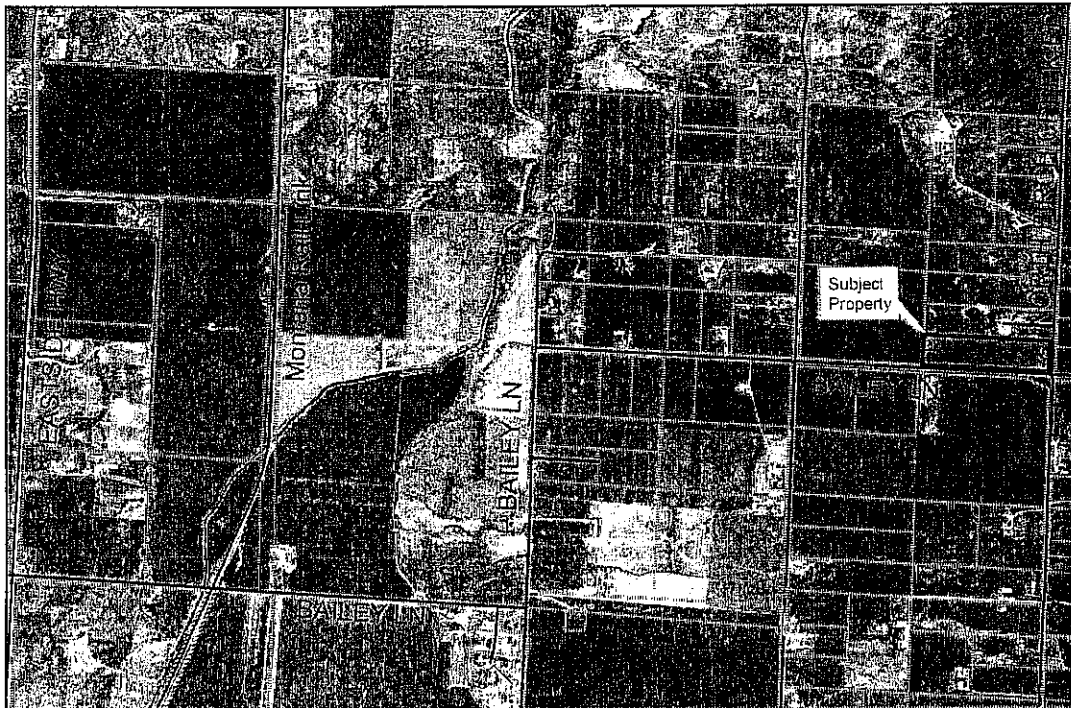
REVIEWED/
APPROVED BY: John Lavey **JPL**

PUBLIC HEARINGS/
MEETINGS: BCC Public Meeting: 9:00 a.m. November 27, 2007
Deadline for BCC action (35-working days): December 4, 2007

SUBDIVIDER/OWNER: Russell & Cheryl Esau
PO Box 412
Corvallis, MT 59828

REPRESENTATIVE: Applebury Survey
914 US Highway 93
Victor, MT 59875

LOCATION OF REQUEST: The property is located northeast of Corvallis on the corner of Bailey Lane and North Birch Creek Road. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

A portion of the NW ¼ of Section 11, T7N, R20W, P.M.M., Ravalli
County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on October 12, 2007. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-8 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked November 9, 2007. No public comments have been received.

**DEVELOPMENT
PATTERN:**

Subject property	Farmstead Rural
North	Residential Rural
South	Farmstead Rural
East	Vacant Land Rural and Approved Subdivision
West	Vacant Land Rural

INTRODUCTION

The Mountain View Orchards Block 3, Lot 12, AP minor subdivision is a four-lot subdivision of 9.5 acres located northeast of Corvallis. The proposed development is located in an area of mixed residential and agricultural uses. All lots are proposed for residential uses. Because the application was deemed sufficient after October 1, 2007, the applicant is required to provide a dedication of 0.48 acres of land – or a cash in lieu equivalent – to fulfill park dedication

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS
•NOVEMBER 27, 2007

MOUNTAIN VIEW ORCHARDS, BLOCK 3, LOT 12, AP
FOUR-LOT MINOR SUBDIVISION

RECOMMENDED MOTION

That the Mountain View Orchards Block 3, Lot 12, AP Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. *(Effects on Agriculture)*

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Bailey Lane and North Birch Creek Road frontages of this subdivision, excepting the approved approaches to Bailey Lane. All lots within this subdivision must use these approved approaches. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. *(Effects on Local Services and Public Health & Safety)*

Notification of Common Access Maintenance Agreement. The common access is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A Common Access Maintenance Agreement for the access was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. *(Effects on Local Services)*

Notification of Water Rights. Residents within this subdivision have irrigation rights from the Bitterroot Irrigation District, administered through the Mountain View Water Users Association. *(Effects on Agricultural Water User Facilities)*

Notification of Irrigation Facilities and Easements. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water-right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. The filed subdivision plat shows the irrigation easements on the property. The downstream water rights holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders and those acting with the approval of the Bitterroot Irrigation District or Mountain View Water Users Association have the right to use the easements to maintain the ditches. Please contact the BRID, 1182 Lazy J Lane, Corvallis, Montana, 59828, 961-1182 for more information. *(Effects on Agricultural Water User Facilities)*

Notification of No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone located on Lots 12C and 12D, as shown on the plat, to restrict building in areas with riparian vegetation and wetlands. No new structure, with the exception of fences, may be

Mountain View Orchards Block 3, Lot 12, AP Staff Report

constructed in this area. No new utilities may be constructed in this area. No fill may be placed in this area and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through this area are not permitted. (*Effects on Natural Environment, Wildlife & Wildlife Habitat, Public Health & Safety*)

Notification of Proximity to Bunkhouse Creek. Bunkhouse Creek is an intermittent stream that runs through Lots 12C and 12D. There is an inherent hazard associated with creeks, due to potential soil erosion, flooding, and movement of the stream channel. It is recommended that homeowners obtain flood insurance. (*Effects on Natural Environment and Public Health & Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Effects on Local Services*)

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, black bear, mountain lion, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (*Effects on Wildlife and Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)

- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting wildlife such as bear and raccoon. It is best to not set garbage cans out until the morning of garbage pickup and to bring them in no later than that same evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears. If used, bird feeders should: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps.
- k. **Apiaries (bee hives)** could attract bears in this area and [should be avoided/are not allowed] in this subdivision. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Riparian use guidelines. The upper end of Bunkhouse Creek flows roughly southeast to northwest through Lots 12C and 12D. On each side of the drainage is a "no-build/alteration zone" (buffer zone) depicted on the plat. Encouraging the development of native vegetation (including shrubs and trees)--while *discouraging* actions such as grading, planting and irrigating lawns, mowing or cutting or clearing vegetation, and livestock grazing--would help preserve the functionality of this natural drainage, protect and improve wetland vegetation, enhance slope stability, and protect property from eroding banks and possible flooding. (*Effects on the Natural Environment and Wildlife & Wildlife Habitat*)

The following covenants, designed to guide use of this buffer zone, shall apply:

- a. No new building or alteration is allowed in the zone.
- b. Only non-motorized access and use of the buffer zone is allowed (except for certain maintenance needs such as weed spraying).
- c. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the buffer zone. Wood (i.e., fallen branches, downed trees) is an important part of habitat and contributes significantly to overall slope stability, and dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d. Do not plant lawns or crops in the buffer zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- e. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.
- f. In general, keep livestock out of the natural drainage, and do not include the drainage in corrals. Use fences to keep livestock from trampling and grazing riparian vegetation in the buffer zone.
- g. In summary, allow riparian areas--the creek and its buffer zone--to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
- h. These riparian covenants cannot be altered or eliminated without consent of the governing body (Corvallis County Commissioners).

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (*Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health & Safety*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Corvallis Rural Fire District has adopted the Fire Protection Standards, which requires lot owners to post County-issued addresses at the intersection of the driveway leading to each

residence and the road providing access to the lot as soon as construction on the residence begins. *(Effects on Local Services and Public Health & Safety)*

Access Requirements for Lots within this Subdivision. The Corvallis Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information. *(Effects on Local Services and Public Health & Safety)*

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. *(Effects on Public Health & Safety)*

Wood Stoves. The County recommends that home owners install EPA-certified wood stoves to reduce air pollution. It is recommended that wood burning stoves are not the primary heat source. More information is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Credit (<http://mt.gov/Revenue/energyconservation.asp>) for the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. *(Effects on the Natural Environment)*

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. *(Effects on Agriculture and Natural Environment)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Effects on Local Services)*
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Effects on Local Services and Public Health & Safety)*
5. Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Effects on Local Services and Public Health & Safety)*

6. The following statement shall be shown on the final plat: "The Corvallis Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". *(Effects on Local Services and Public Health & Safety)*
7. The subdivider shall submit a letter or receipt from the Corvallis School District stating that they have received an (amount)-per-lot contribution prior to final plat approval. *(Effects on Local Services)*
8. The subdivider shall submit an (amount)-per-lot contribution made prior to final plat to an account for Public Safety (Sheriff, E-911, OEM) to mitigate impacts on local services and public health and safety. *(Effects on Local Services and Public Health and Safety)*
9. All existing and proposed irrigation easements shall be shown on the final plat as they were shown on the preliminary plat. *(Effects on Agricultural Water User Facilities)*
10. The subdivider shall pave the common approach a minimum of 20 feet wide from the surface of Bailey Lane back to the edge of the right-of-way/easement boundary or a distance of 20 feet, whichever is greater, or as required by the Ravalli County Road and Bridge Department, if specified in the approach permit. *(Effects on Local Services)*
11. The subdivider shall provide for an additional 5 (five) feet of public road and utility easement along the Bailey Lane frontage of the subdivision on the final plat. *(Effects on Local Services and Prerequisite to Approval B)*
12. The final plat shall show a 100-foot no build/alteration as shown on the preliminary plat to protect the natural drainage of Bunkhouse Creek and any associated wetland and/or riparian areas. *(Effects on Natural Environment and Effects on Wildlife and Wildlife Habitat)*
13. The final plat shall show a non-ingress/egress zone along the Bailey Lane and North Birch Creek Road frontages of the subdivision, excepting the approved accesses off Little Bailey Lane. *(Effects on Local Services and Public Health and Safety)*
14. The following statement shall be shown on the final plat: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". *(Effects on the Natural Environment)*

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer outlining how each final plat requirement or condition of approval has been satisfied shall be submitted with the final plat submittal.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) shall be submitted prior to final plat approval. The final

plat shall conform to the preliminary plat decision. The following features are required on the Final Plat:

- a. Project name
 - b. Title block
 - c. Certificate of registered owner – notarized
 - d. Certificate of registered land surveyor with seal
 - e. Certificate of governing body approval
 - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
 - g. Certificate of public dedication
 - h. Certificate of park cash-in-lieu payment
 - i. Other certifications as appropriate
 - j. North arrow
 - k. Graphic scale
 - l. Legal description
 - m. Property boundaries (bearings, lengths, curve data)
 - n. Pertinent section corners and subdivision corners
 - o. Names of adjoining subdivisions/certificates of survey
 - p. Monuments found
 - q. Witness monuments
 - r. Acreage of subject parcel
 - s. Curve data (radius, arc length, notation of non-tangent curves)
 - t. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - u. Lots and blocks designated by number (dimensions/acreage)
 - v. Easements/rights of ways (location, width, purpose, ownership)
 - w. Dedication for public use (boundaries, area, purpose)
 - x. No-build/alteration zones
 - y. No-ingress/egress zones
 - z. Water resources (rivers, ponds, etc.)
 - aa. Irrigation canals including diversion point(s), etc.
 - bb. Existing and new roads (names, ownership, etc.)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
 4. Any variance decisions shall be submitted with the final plat submittal (none have been requested at this time).
 5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
 6. The final plat review fee shall be submitted with the final plat submittal.
 7. A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
 8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
 9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
 10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
 11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
 12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal.
 13. Road and driveway approach and encroachment permits shall be submitted with the final plat submittal.

14. Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineered plans shall be submitted with the final plat submittal.
15. Utility availability certification(s) shall be submitted with the final plat submittal.
16. Common access maintenance agreement, signed and notarized, shall be submitted with the final plat submittal.
17. A signed and notarized master irrigation plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property shall be submitted with the final plat submittal.
18. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch shall be submitted with the final plat submittal.
19. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
20. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
21. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.)
22. The applicant shall provide evidence that the pro rata share of the cost to improve the portion of Bailey Lane leading to the subdivision has been paid prior to final plat approval. (Section 5-4-5(d), RCSR)

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utility easements are located along Bailey Lane abs North Birch Creek Road. (Application)
2. Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property is accessed by Bailey Lane. (Application)
2. Bailey Lane is listed as a County-maintained road. (Exhibit A of RCSR)
3. There are two existing accesses that will provide access to proposed Lot 12A and 12D. Lots 12B and 12C will be accessed by a proposed common access off Bailey Lane. (Plat)
4. *To ensure legal and physical access to the subdivision via Bailey Lane, the following shall be met:*
 - *The applicant is required to pay the pro rata share of the cost to improve the portion of Bailey Lane leading to the subdivision prior to final plat approval. (Final Plat Requirement 22)*
 - *The subdivider shall provide for an additional 5 (five) feet of public road and utility easement along the Bailey Lane frontage of the subdivision on the final plat. (Condition 11)*
 - *Condition 10 requires the subdivider to pave the proposed common access.*

Conclusion of Law

Legal and physical access is adequate for this site.

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Finding of Fact

The applicant is required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirements 1, 14, and 21).

- *The subdivider shall pave the common approach a minimum of 20 feet wide from the surface of Bailey Lane back to the edge of the right-of-way/easement boundary or a distance of 20 feet, whichever is greater, or as required by the Ravalli County Road and Bridge Department, if specified in the approach permit. (Condition 10)*

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. The property has water rights through the BRID and Mountain View Water Users Association. (Application)
2. The property is currently being irrigated via an irrigation pipeline and risers. (Application)
3. The Mountain View Water Users Association approved the irrigation plan for this subdivision. (Application)

Conclusion of Law

With the approval from the Mountain View Water Users Association, this requirement has been met.

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. The applicant is proposing a 10-foot-wide irrigation pipeline easement traversing through the middle of the property from west to east across Lots 12A, 12B, and 12C. (Plat)
2. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
3. *To ensure that the appropriate irrigation easements are in place and future owners are aware they cannot plant or build within the easements, the following requirements and conditions shall be met prior to final plat approval:*
 - a. *A notification of the irrigation easements shall be included in the notifications document. (Condition 1)*
 - b. *The 10-foot wide irrigation easement is required to be shown on the final plat, as shown on the preliminary plat. (Requirement 2)*
 - c. *Section 3-4-4(a)(ii)(V) requires that the irrigation easements be shown on the final plat.*

Conclusion of Law

With the requirements and conditions of final plat approval, this prerequisite has been met.

- F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.**

Findings of Fact

1. The applicant is proposing cash-in-lieu of parkland dedication. (Application)
2. The applicant is required to donate cash-in-lieu of .48 acres of land. (Application)
3. *A copy of the appraisal report, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal. (RCSR Section 6-1-7)(Final Plat Requirement 12)*

Conclusion of Law

With the payment of cash-in-lieu prior to final plat approval, this requirement will be met.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat appears to meet the design standards in Chapter 5 of the RCSR.
2. This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The procedures for the application and review of this proposed subdivision have been followed.

B. Applicable zoning regulations.

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The application complies with Resolution 2038.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (RC GIS Data)

Conclusion of Law

This proposal appears to comply with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no existing covenants on the property. (RC Clerk & Recorder's Office)

Conclusion of Law

Since there are no covenants, this criterion does not apply.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The applicants were made aware of the applicable regulations at the pre-application conference held on February 7, 2007. (Application)

Conclusion of Law

The application appears to meet all of the applicable regulations.

Mountain View Orchards Block 3, Lot 12, AP Staff Report

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed minor subdivision on 9.5 acres will result in 4 lots that range in size from 2.0 acres to 3.0 acres. The property is located approximately 6 miles northeast of the community of Corvallis. (Application)
2. The property is currently being used by horses for grazing. (Site Visit)
3. Parcels adjacent to the south of the subject property are classified for tax purposes as agricultural rural and farmstead rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
4. This parcel is classified for tax purposes as farmstead rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
5. The new soils data available from the NRCS Web Soil Survey (Exhibit A-6) shows there are no soils on the property that are listed as Prime Farmland Soils or Farmland of Statewide Importance. Farmland of local importance covers all of the property. In an email dated August 21, 2007, Jay Skovlin, local NRCS soil scientist, stated that the Farmland of Local Importance classification was not intended to be used to determine important agricultural land for subdivision review. It is the lowest tier of farmland soils and the criteria have a low threshold so this classification does not show the most productive soils in the Valley. The classification will be used as a preliminary screening tool for the Farm and Ranch Land Protection Program. (U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS)) (Exhibit A-6) (Exhibit A-7)
6. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed was scattered on the property. (Application)
7. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
8. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
 - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusions of Law:

With the mitigating conditions of approval and requirements of final plat approval, the impacts of the subdivision on agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. This subdivision has water rights (1.63 acre feet per year) through BRID and Mountain View Water Users Association. (Application)
2. The property is currently being irrigated via an irrigation pipeline and risers. (Plat) (Site Visit)

Mountain View Orchards Block 3, Lot 12, AP Staff Report

3. The irrigation rights will be divided between the four lots. (Application)
4. A letter from Mountain View Water Users Association states their approval of the re-allocation of water rights and Irrigation Plan for this subdivision. (Application)
5. The applicant is proposing a 10-foot-wide irrigation pipeline easement traversing through the middle of the property from west to east. (Plat)
6. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agricultural water user facilities:*
 - a. *To notify future property owners of the irrigation rights and easements associated with this property and the role of the Irrigation District and to mitigate potential impacts on agricultural water user facilities, a notification of the irrigation facilities and easements shall be filed with the final plat. (Condition 1)*
 - b. *The 10-foot wide irrigation easement is required to be shown on the final plat, as shown on the preliminary plat. (Condition 9 and Final Plat Requirement 2)*
 - c. *Section 3-4-4(a)(xxi) of the RCSR requires the approval of the downstream water users, in this case the Irrigation District, if irrigation infrastructure is to be altered. (Requirement 18)*

Conclusion of Law

With the conditions and requirements of final plat approval, impacts to agricultural water user facilities will be reduced.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire Department

1. The subdivision is located within the Corvallis Rural Fire District. (Application)
2. Notification letters were sent to the Corvallis Rural Fire District requesting comments on September 14, 2007 and November 9, 2007, but no comments have been received from the Fire Department. (Subdivision File)
3. The Corvallis Rural Fire District has adopted the Fire Protection Standards, which address access, posting of addresses, and water supply requirements.
4. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
 - *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
 - *Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Conditions 2 and 5)*
 - *The following statement shall be shown on the final plat: "The Corvallis Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". (Condition 6)*

School District

5. With this subdivision, it is estimated that approximately 1.5 school-aged children will be added to the Corvallis School District, assuming an average of 0.5 children per household (Census 2000).

6. A letter from the Corvallis School District was received on October 9, 2007. The letter states that the Corvallis School District has recently completed an Impact Fee Study that allows up to \$7300 per septic permit for school construction. (Exhibit A-2)
7. County School Superintendent, Ernie Jean, has provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the tax levy per pupil, excluding capital, would be \$1,638 for the Corvallis School District. (Exhibit A-4)
8. The applicant is not proposing any mitigation at this time. (Exhibit A-8)
9. *To mitigate impacts on the School District, the applicant shall submit a letter or receipt from the Corvallis School District stating that they have received an (amount) per-lot contribution prior to final plat approval. (Condition 7 and Final Plat Requirement 20) (Staff Note: Since the applicants and the School District did not agree on an amount, staff recommends that the BCC negotiate an amount with the applicant and include the appropriate finding(s) supporting the amount in their decision.)*

Public Safety

10. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Application)
11. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on September 14, 2007 and November 9, 2007, but no comments have been received from the Sheriff's Office. (Subdivision File)
12. The application states that the response time to the subdivision is probably 15 to 20 minutes, if the car is dispatched from the courthouse in Hamilton. (Application)
13. The applicant is not proposing any mitigation at this time. (Exhibit A-8)
14. *To mitigate impacts on local services, the subdivider shall:*
 - *Submit an (amount)-per-lot contribution made prior to final plat into an account for Public Safety (Sheriff, E-911, OEM) to mitigate impacts on local services and public health and safety. (Condition 8)*
 - *Pave the common approach a minimum of 20 feet wide from the surface of Bailey Lane back to the edge of the right-of-way/easement boundary or a distance of 20 feet, whichever is greater, or as required by the Ravalli County Road and Bridge Department, if specified in the approach permit. (Condition 10)*

Emergency Services

15. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Dept. Marcus Daly Hospital was contacted but no comments have been received to date. (Application)
16. *To mitigate impacts on emergency services, the subdivider shall meet the following conditions and requirement:*
 - *The applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
 - *Paving the common approach a minimum of 20 feet wide from the surface of Bailey Lane back to the edge of the right-of-way/easement boundary or a distance of 20 feet, whichever is greater, or as required by the Ravalli County Road and Bridge Department, if specified in the approach permit. (Condition 10)*

Parkland Dedication

17. The applicant is proposing cash-in-lieu of parkland dedication. Section 6-1-7 of the Ravalli County Subdivision Regulations requires the subdivider to hire a real estate appraiser legally qualified to appraise undeveloped land to determine the fair market value of land prior to final plat approval. In a letter received. (RCSR Section 6-1-7)
18. The parkland dedication required for this subdivision is .48 acres. (Application)

Water and Wastewater Districts

19. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Application)

Solid Waste Services

20. Bitterroot Disposal provides service to this site. (Application)
21. Notification letters were sent to Bitterroot Disposal requesting comments on September 14, 2007 and November 9, 2007, but no comments have been received. (Subdivision File)

Utilities

22. The proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Communications. Utility companies have been notified of the proposed subdivision. (Application)
23. Notification letters were sent to both utility companies requesting comments on September 14, 2007 and November 9, 2007, but no comments have been received by either company. (Subdivision File)
24. *The following requirements will mitigate impacts of the subdivision on local utilities:*
 - *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - *The applicant shall submit utility availability certifications from Ravalli Electric Cooperative and Qwest Communications prior to final plat approval. (Final Plat Requirement 15)*

Roads

25. There are (4) four proposed single family residential lots within this subdivision. It is estimated at build-out that this subdivision will generate a total of 24 additional vehicular trips per day, assuming 8 trips per day per single-family dwelling. (Application)
26. Bailey Lane, a County-maintained road will provide access to the subdivision from Eastside Hwy. (Exhibit A RCSR, Application)
27. There is a proposed common access maintenance agreement for the subdivision included in the application. (Application)
28. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
 - *The applicant shall pay the pro rata share of the cost to improve the portion of Bailey Lane leading to the subdivision to meet County standards prior to final plat approval. (Final Plat Requirement 22)*
 - *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
 - *A common access maintenance agreement shall be signed, notarized, and submitted for the proposed common approach. Additionally, a notification of the common access maintenance agreement shall be included in the notifications document. (Condition 1 and Final Plat Requirement 16)*
 - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)*
 - *The final plat shall show a no-ingress/egress zone along the Bailey Lane and North Birch Creek Road frontages of the subdivision, excepting the approach for the common access, as approved by the Road and Bridge Department, as shown on the preliminary plat. (Condition 13 and Final Plat Requirement 2)*
 - *The notifications document filed with the final plat shall include a statement notifying lot owners of the no ingress/egress restriction. (Condition 1)*

- *The subdivider shall pave the common approach a minimum of 20 feet wide from the surface of Bailey Lane back to the edge of the right-of-way/easement boundary or a distance of 20 feet, whichever is greater, or as required by the Ravalli County Road and Bridge Department, if specified in the approach permit. (Condition 10)*
- *The subdivider shall provide for an additional 5 (five) feet of public road and utility easement along the Bailey Lane frontage of the subdivision on the final plat. (Condition 11)*

General

29. Growth impacts the quality of general services Ravalli County can provide to residents. (Exhibit A-5)

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. This proposed subdivision would add three new homes to an area of existing low density development between the Corvallis and Stevensville. (Plat) (Site Visit)
2. In an email dated January 10, 2007, the Montana Department of Environmental Quality (DEQ) identified the Hamilton and Missoula areas as communities with a high probability of failing to meet the recently revised National Ambient Air Quality Standards for particulate matter. Sources of particulate from this subdivision could be vehicles, and/or wood-burning stoves. There are no gravel roads accessing the subdivision. (Exhibit A-3)
3. *To mitigate impacts on air quality, the covenants shall include a recommendation that EPA-certified wood stoves should be installed to reduce air pollution and that wood burning stoves should not be used as the primary heat source. (Condition 2)*

Ground Water Quality

4. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Application)
5. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Surface Water Features

6. Bunkhouse Creek drains an area less than 15 square miles and therefore did not require a floodplain analysis. The intermittent creek flows across Lots 12C and 12D of the proposed subdivision. (Application, Site Visit)
7. According to a letter received from FWP, the upper end of Bunkhouse Creek flows roughly southeast to northwest through Lots 12C and 12D. On each side of the drainage is a "no-build/alteration zone" (buffer zone) depicted on the plat. Encouraging the development of native vegetation (including shrubs and trees)--while discouraging actions such as grading, planting and irrigating lawns, mowing or cutting or clearing vegetation, and livestock grazing--would help preserve the functionality of this natural drainage, protect and improve wetland vegetation, enhance slope stability, and protect property from eroding banks and possible flooding. (Exhibit A-1)
8. The applicant is proposing a "100-foot no-build zone from draw to protect natural drainage". (Plat)
9. FWP is recommending that this zone be labeled on the Final Plat as a "no build/alteration zone from Bunkhouse Creek to protect natural drainage". (Exhibit A-1)

Mountain View Orchards Block 3, Lot 12, AP Staff Report

10. To mitigate the impacts on the natural environment, the following items shall be required:
- The final plat shall show a "100-foot no build/alteration zone centered on the middle of the drainage to protect Bunkhouse Creek and the natural drainage." (Condition 12 and Final Plat Requirement 2)
 - A notification of the no build/alteration zone shall be included in the notifications document. (Condition 1)
 - A notification of the proximity of Bunkhouse Creek shall be included in the notifications document. (Condition 1)
 - The Covenants shall include provisions stipulating uses within the riparian area of Bunkhouse Creek. (Condition 2)

Light Pollution

11. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)
12. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)

Vegetation

13. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed is scattered on the property. The subdivider has proposed a provision in the covenants that the owners of each lot control noxious weeds. (Application)
14. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)
15. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Application).
16. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2 and Final Plat Requirement 11)

Historical/Archeological Sites

16. The application states that there area no known sites of historical significance on the property.
17. To ensure that any possible historical sites are preserved, the following statement shall be shown on the final plat: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 14)

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. In a letter received September 21, 2007, FWP stated that this property has a high likelihood of human/wildlife conflict and recommended including "living with wildlife" covenants. (Exhibit A-1)
2. FWP stated that wildlife such as white-tailed deer, coyote, fox and skunk are found in the area, as well as possible black bear, and numerous small mammal and bird species. (Exhibit A-1)

Mountain View Orchards Block 3, Lot 12, AP Staff Report

3. The upper end of Bunkhouse Creek flows roughly southeast to northwest through Lots 12C and 12D. On each side of the drainage is a "no-build/alteration zone" (buffer zone) depicted on the preliminary plat. Encouraging the development of native vegetation (including shrubs and trees)--while discouraging actions such as grading, planting and irrigating lawns, mowing or cutting or clearing vegetation, and livestock grazing--would help preserve the functionality of this natural drainage, protect and improve wetland vegetation, enhance slope stability, and protect property from eroding banks and possible flooding. (Exhibit A-1)
4. The property is not located within big-game winter range. (FWP)
5. According to the Montana Natural Heritage Program, Townsend's Big-Eared Bat and Bobolink were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. The subdivider requested and received a waiver from the requirement to submit a sensitive species report because of lack of habitat on the property for all species. (Application)
6. *To mitigate impacts on wildlife and wildlife habitat, the following conditions shall be met:*
 - *The covenants shall include a living with wildlife section. (Condition 2)*
 - *The covenants shall include a riparian use guidelines section. (Condition 2)*
 - *The final plat shall show a 100-foot no build/alteration zone centered on the middle of the drainage to protect Bunkhouse Creek and the natural drainage. (Condition 12 and Final Plat Requirement 2)*
 - *A notification of the no build/alteration zone shall be included in the notifications document. (Condition 1)*
 - *The covenants shall include a provision recommending full cut-off lighting. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Bailey Lane from Eastside Hwy. (Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Corvallis Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department. (Application)
4. *The requirements and conditions listed under Fire District, Law Enforcement, Emergency Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

5. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Application)
6. *To mitigate effects on water and wastewater, the following shall be met:*
 - *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*
 - *A notification of the no build/alteration zone shall be included in the notifications document. (Condition 1)*

Natural and Man-Made Hazards

7. The new soils data available from the NRCS Web Soil Survey shows that the soils of this subdivision are "somewhat limited" for road and building construction. (NRCS, Application)
8. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
9. *To mitigate possible impacts on public health and safety, the following conditions shall be met:*
 - *The covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
 - *The covenants shall include a statement regarding radon exposure. (Condition 2)*
 - *A notification of the proximity to Bunkhouse Creek shall be included in the notifications document. (Condition 1)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.



Montana Fish, Wildlife & Parks

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
406-542-5500
Fax 406-542-5529
September 19, 2007

RECEIVED

SEP 21 2007

IC-07-09-1210
Ravalli County Planning Dept.

Randy Fifick
Ravalli County Planning Department
215 S. 4th St., Ste. F
Hamilton, MT 59840

Reference: Mountain View Orchards, Lot 12 (Blk 3; Esau)--Proposed minor (4 lots on 9.5 acres) subdivision--4½ miles Se of Victor

Dear Mr. Fifick:

We have reviewed the preliminary plat and topographic vicinity map for this proposed subdivision, and our comments follow.

Wildlife

This subdivision is located in the lower foothills that rise easterly towards the Sapphire Mountains. There are nearby gulches, creeks and undeveloped areas favored by wildlife as habitat and movement corridors, as well as nearby irrigated agricultural fields. Wildlife such as white-tailed deer, coyote, fox, and skunk are found in the area, as well as possible black bear, and numerous small mammal and bird species. There is a general possibility of human/wildlife conflicts at this location if residents do not pay attention to careful handling of garbage, pet control, and vegetation management. We recommend that a "living with wildlife" section be included as a development covenant for this subdivision in order to help future homeowners deal with and avoid potential wildlife issues. We have attached our recommended version of such covenants.

Riparian

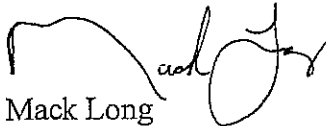
1. We appreciate that the plat depicts a proposed 100-foot "no-build zone from [the] draw to protect natural drainage" along each side of the centerline of Bunkhouse Creek (which flows roughly southeast to northwest in the eastern half of this proposed subdivision). We recommend that this zone be labeled on the plat as a "no build/alteration zone from Bunkhouse Creek to protect natural drainage" in order to further protect its functionality.

EXHIBIT A-1

2. Encouraging the development of native vegetation (including shrubs and trees)--while *discouraging* actions such as grading, planting and irrigating lawns, mowing or cutting or clearing vegetation, and livestock grazing--would help preserve the functionality of this natural drainage, protect and improve wetland vegetation, enhance slope stability, and protect property from eroding banks and possible flooding. Enclosed is our recommended version of riparian covenants for this subdivision (applies to Lot 12C and 12D).

We thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack Long", written over the printed name.

Mack Long
Regional Supervisor

ML/sr

Development Covenants for Mountain View Orchards, Lot 12 (Esau) subdivision, recommended by Montana Fish, Wildlife & Park; Missoula; September 19, 2007

Section __: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, black bear, mountain lion, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)
- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting wildlife such as bear and raccoon. It is best to not set garbage cans out until the morning of garbage pickup and to bring them in no later than that same evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that

constitutes a threat to public safety.” Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. **Birdseed** is an attractant to bears. If used, bird feeders should: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps.
- k. **Apiaries (bee hives)** could attract bears in this area and [should be avoided/are not allowed] in this subdivision. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. These “living with wildlife” covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Section __: Riparian use guidelines

The upper end of Bunkhouse Creek flows roughly southeast to northwest through Lots 12C and 12D. On each side of the drainage is a "no-build/alteration zone" (buffer zone) depicted on the plat. Encouraging the development of native vegetation (including shrubs and trees)--while *discouraging* actions such as grading, planting and irrigating lawns, mowing or cutting or clearing vegetation, and livestock grazing--would help preserve the functionality of this natural drainage, protect and improve wetland vegetation, enhance slope stability, and protect property from eroding banks and possible flooding.

The following covenants, designed to guide use of this buffer zone, shall apply:

- a. No new building or alteration is allowed in the zone.
- b. Only non-motorized access and use of the buffer zone is allowed (except for certain maintenance needs such as weed spraying).
- c. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the buffer zone. Wood (i.e., fallen branches, downed trees) is an important part of habitat and contributes significantly to overall slope stability, and dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d. Do not plant lawns or crops in the buffer zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- e. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.
- f. In general, keep livestock out of the natural drainage, and do not include the drainage in corrals. Use fences to keep livestock from trampling and grazing riparian vegetation in the buffer zone.
- g. In summary, allow riparian areas--the creek and its buffer zone--to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
- h. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Corvallis School District #1

P.O. Box 700 / 1045 Main
Corvallis, MT 59828

Phone: (406) 961-4211 Fax: (406) 961-5144

Daniel B. Sybrant
Superintendent
961-4211

Trevor Laboski
Principal
High School
961-3201

Jason Wirt
Assistant Principal
High School
961-3201

Rich Durgin
Principal
Middle School
961-3007

Eric Larson
Assistant Principal
Middle School
961-3007

Janice Stranahan
Principal
Primary School
961-3261

Virginia Haines
Special Services
Director
961-3201

Russ Hendrickson
Technology Director
961-3201

Wendy Ihde
Curriculum Director
961-8772

Vannesa Bargfrede
Business Manager
District Clerk
961-4211

October 3, 2007

Mr. Randy Fifrick
Assistant Planner
Planning Department
215 South 4th Street, Suite F
Hamilton Montana 59840

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IC-07-10-1284
Ravalli County Planning Dept.

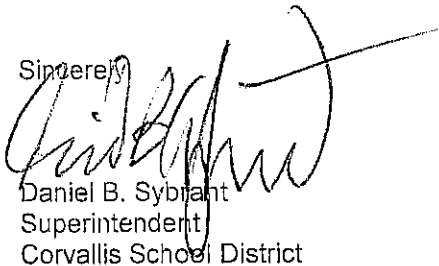
Agency Comment on Mountain View Orchards, Block 3, Lot 12, AP Minor Subdivision

Dear Mr. Fifrick:

Thank you for the opportunity to comment on this subdivision. New subdivisions certainly create added costs to this school district. Not only is there cost for operations, but facilities as well. The Corvallis School District has recently completed an Impact Fee Study that allows up to \$7300 per septic permit for school construction. In addition to this, we have significant costs for operations for each additional student that comes into the district. I have enclosed for your review an estimate of what it costs to educate children in the Corvallis School District. For this and future subdivision requests, we ask you and the commissioners to negotiate a fair fee with developers that will help offset the actual costs of educating additional children. We also ask for appropriate bus turnouts as well as shelters for students to stand under in inclement weather where appropriate.

Again, thank you for the opportunity to comment on this subdivision.

Sincerely,



Daniel B. Sybrant
Superintendent
Corvallis School District

Budget Per Pupil/Tax Levy Per Pupil

Year 2006-07

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	8,311,918	1,431	5,808
Stevensville Elem	4,240,944	582	7,287
Stevensville HS	3,760,312	450	8,356
Hamilton	9,924,343	1,558	6,370
Victor	2,125,504	316	6,726
Darby	3,718,565	458	8,119
Lone Rock Elem	1,757,258	292	6,018
Florence	5,655,692	991	5,707

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect only budget and revenue only from state and county sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil	Total Capital	Tax Capital Per Pupil	Total Tax Levy	Tax Levy Per Pupil
Corvallis	1,604,715	1,431	738,993	1,638	251,788	175.95	2,595,496	1,814
Stevensville Elem	866,142	582	392,769	2,163	114,896	197.42	1,373,807	2,360
Stevensville HS	1,142,259	450	344,437	3,304			1,486,696	3,304
Hamilton	2,694,239	1,558	883,021	2,296	886,052	568.71	4,463,312	2,865
Victor	60,993	316	201,481	831	80,803	255.71	343,277	1,086
Darby	898,318	458	400,506	2,836	80,794	176.41	1,379,618	3,012
Lone Rock Elem	364,386	292	189,825	1,898	107,770	369.08	661,981	2,267
Florence	1,196,601	991	552,197	1,765	68,777	69.40	1,817,575	1,834

* County levied Retirement and Transportation

Renee Van Hoven

From: Karen Hughes
Sent: Thursday, January 11, 2007 8:21 AM
To: Jennifer Degroot; John Lavey; Laura Hendrix; Planning; Renee Van Hoven; Shaun Morrell; Tristar Riddell; Vanessa Perry
Subject: FW: Potential Montana PM2.5 Non-Attainment Areas
Importance: High
Attachments: PM25_NAAQS_MT_Review_Rev.doc

Interesting.

*Karen Hughes, AICP
Ravalli County Planning Department
215 S. 4th Street Ste F
Hamilton, MT 59840
Phone (406) 375-6530
Fax (406) 375-6531
khughes@ravalliacounty.mt.gov*

From: Planning
Sent: Thursday, January 11, 2007 8:15 AM
To: Karen Hughes
Subject: FW: Potential Montana PM2.5 Non-Attainment Areas
Importance: High

From: Jeffrey, Robert [mailto:rjeffrey@mt.gov]
Sent: Wednesday, January 10, 2007 5:22 PM
To: Ben Schmidt; Cascade Sanitarians; Cherry Loney; Dan Dennehy; Dan Powers; Eric Englebert; Jan Scher; Jennifer Pinnow; Jim Carlson; Joe Russell; Kathy Moore; Morgan Farrell; Paul Riley; Rick Larson; Ron Anderson; Russ Boschee; Shannon Therriault; Stephanie Nelson; Ted Kylander; Wendee Jacobs; Andy Hunthausen; Barbara Evans; Bill Carey; BSE Commission; Chris Kukulski; City Commission; City Council; City Council; City Council; County Commission; County Commission; County Commission; County Commission; Glenda Wiles; Ed Tinsley; Gary Marks; Jean Curtiss; Jeff Krauss; Jim Smith; Mike Murray; Paul Babb; Planning; Ron Alles; Tim Burton; Andy Eppler; Ben Rangel; Bob Horne; Candi Beaudry; Charlie Johnson; Chris Saunders; Cloud, Bill; Cynthia Wulfekuhle; Dave Dobbs; David Mumford; David Ohnstad; Debbie Arkell; Duke, Becky; Eric Griffin; Frank Rives; Gregory Robertson; Helm, Cora; Henry Hathaway; James Hansz; Jason Karp; Jean Pentecost; Jeff Harris; Jim Rearden; Joseph Menicucci; John Rundquist; John VanDaeveer; John Wilson; Karen Hughes; Kevin McGovern; Mike Kress; Rick Hixson; Ryan Leland; Scott Walker; Sesso, Jon; Steve King; Steyaert, Tom; Straehl, Sandra; Turner, Dick; Vern Heisler; Zanto, Lynn (MDT); Bob Rebarchik; Craig Glazier; Dan Redline; Dave Grace; Dave Krueger; Dusty Pence; McLeod, Scott; Myron Hotinger; Paul Wagner; Steve Hayes; Thomas Dzomba
Cc: Vidrine, Don; Habeck, Bob; Coefield, John; Erp, Elton
Subject: Potential Montana PM2.5 Non-Attainment Areas
Importance: High

Dear Interested Party:

The U.S. Environmental Protection Agency (EPA) recently revi

EXHIBIT A-4

Standards (NAAQS) for particulate matter (PM). As you may know, the NAAQS are standards set to protect public health and welfare. The federal Clean Air Act requires EPA to review the latest scientific information and revise the NAAQS, as needed, for all criteria air pollutants every five years. The final rules for the revised PM NAAQS were published in the Federal Register at 71 FR 61144 on 17 October 2006, and became effective on 18 December 2006.

The Montana Department of Environmental Quality (DEQ) has reviewed the revised PM NAAQS and the ambient air quality data that's been collected around the state for the last several years. DEQ has identified four Montana communities with a high probability of failing to meet new PM NAAQS. Based on air monitoring data collected from 2003 through 2005, DEQ currently projects violations of the 24-hour PM2.5 NAAQS in the Missoula, Libby, Hamilton and Butte areas. The data also indicates that the Helena, Flathead and Gallatin Valleys are dangerously close to violating the 24-hour PM2.5 NAAQS. These projections will be updated as new monitoring data becomes available. The Libby area is currently designated a non-attainment area (NAA) for exceeding the annual standard based on the former 1997 PM NAAQS. I've attached a document summarizing some of the issues with the new PM NAAQS and PM data for several Montana communities.

In late 2008, based on ambient air monitoring data collected in 2005, 2006, and 2007, DEQ must notify EPA as to whether or not local Montana communities are complying with the PM NAAQS. Federally enforceable control plans must be submitted for EPA's approval for those Montana communities found in violation of any NAAQS. In a proactive attempt to prevent the designation of new NAAs, DEQ would like to work with local air pollution control agencies, the regulated community, and other interested parties to identify and control sources of particle air pollution. DEQ representatives are willing to meet with interested parties in their communities at mutually agreed upon dates and times. In addition to the PM NAAQS discussion, other air quality topics of interest could be discussed.

If interested, please contact myself or Bob Habeck (bhabeck@mt.gov or 444-7305) to schedule a meeting.

Thank you for your efforts in protecting Montana's clean air resources.

Robert K. Jeffrey
Air Quality Specialist
Air Resources Management Bureau
MT Dept. of Environmental Quality
(406) 444-5280; fax 444-1499
Email: rjeffrey@mt.gov

<<PM25_NAAQS_MT_Review_Rev.doc>>

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Ravalli County Planning Dept.

Budget Per Pupil/Tax Levy Per Pupil,

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: * County levied Retirement and Transportation

EXHIBIT A-5

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Ravalli County Planning Dept.
Ravalli County Fiscal Impact Analysis Model - Sample Subdivision

OPERATING EXPENDITURES	Budgeted FY 2007-2008	Amount Per New Household		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
		Growth Variable	Residential Allocation						
General Fund Expenditures									
Commissioners	752,748	90%	39.01	0	390	1,170	1,755	2,418	2,925
Justice Court # 1	182,024	90%	9.43	0	94	283	424	585	707
Justice Court # 2	189,952	90%	9.84	0	98	295	443	610	738
Justice Court Jury Costs	5,000	90%	0.26	0	3	8	12	16	19
Treasurer	427,572	90%	22.16	0	222	665	997	1,374	1,662
Clerk & Recorder	429,359	90%	22.25	0	222	667	1,001	1,379	1,669
Administrative Services	159,300	90%	8.25	0	83	248	371	512	619
County Attorney	683,889	90%	35.44	0	354	1,063	1,595	2,197	2,658
County Supr. of Schools	13,845	90%	0.72	0	7	22	32	44	54
Office of Emergency Management	59,352	90%	3.08	0	31	92	138	191	231
Public Health Nurse	186,450	90%	9.66	0	97	290	435	599	725
Health Officer	186,278	90%	9.65	0	97	290	434	598	724
Environmental Health	349,624	90%	18.12	0	181	544	815	1,123	1,359
Veterans Services	29,100	90%	1.51	0	15	45	68	93	113
Information Technology	368,423	90%	19.09	0	191	573	859	1,184	1,432
Central Supply	11,000	90%	0.57	0	6	17	26	35	43
Contribution to Community	37,900	90%	1.96	0	20	59	88	122	147
Operating Transfers	643,774	90%	33.36	0	334	1,001	1,501	2,068	2,502
Total - General Fund Expenditures	4,715,590		245.26	0	2,444	7,331	10,996	15,150	18,326
Net Fiscal Balance - General Fund	-296,290			0	1,767	1,446	2,616	4,656	5,575
Cumulative Net Fiscal Balance	347,484			0	1,767	3,213	5,828	10,484	16,059

Discount Rate = 4%
Net Present Value = \$34,988

Farmland Classification-Bitterroot Valley Area, Montana

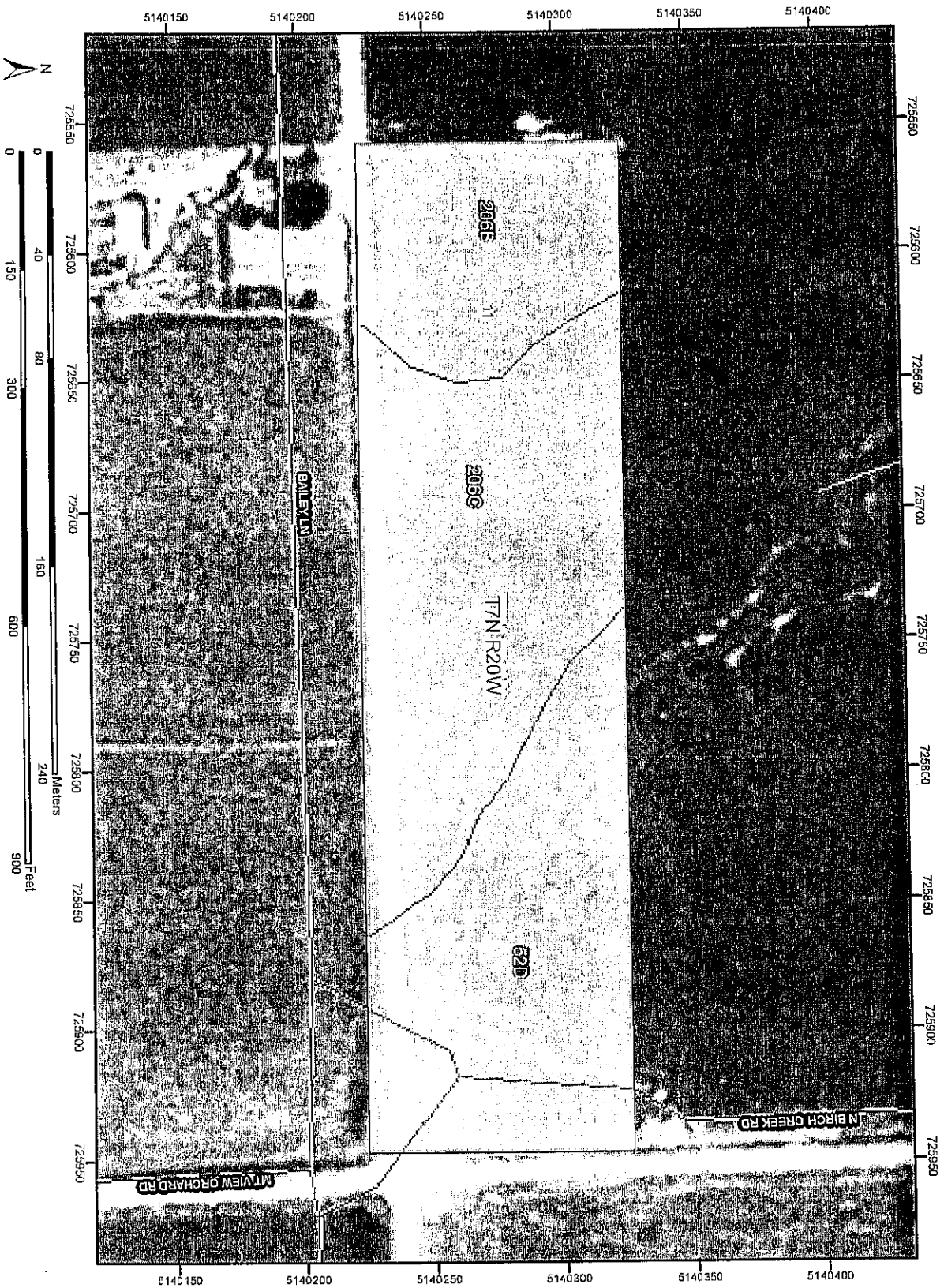


EXHIBIT A-7



Natural Resources
Conservation Service

Web Soil Survey 2.0
National Cooperative Soil Survey

Farmland Classification

Farmland Classification—Summary by Map Unit—Bitterroot Valley Area, Montana				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI

52D	Burnt Fork-Bitterroot complex, 4 to 15 percent slopes	Farmland of local importance	3.5	36.3%
206B	Burnt Fork-Woodchuck cobbly loams, 1 to 4 percent slopes	Farmland of local importance	2.0	20.4%
206C	Burnt Fork-Woodchuck cobbly loams, 4 to 8 percent slopes	Farmland of local importance	4.2	43.3%
Totals for Area of Interest (AOI)			9.6	100.0%

Rating Options

Aggregation Method: No Aggregation Necessary
Tie-break Rule: Lower



Renee Van Hoven

From: Skovlin, Jay - Hamilton, MT [Jay.Skovlin@mt.usda.gov]
Sent: Tuesday, August 21, 2007 11:41 AM
To: Renee Van Hoven
Subject: Farmlands of Local Importance

Hi Renae,

Sorry I haven't gotten back to you sooner. The last couple of weeks have been very busy. My computer crashed on top of it all....

I have a copy of the letter from the Bitterroot Conservation District and the NRCS State Conservationist approving the criteria for Ravalli County. It is hardcopy, so let me know if you would like to have a copy on file and I will get it to you.

The farmland classification heirarchy is as follows:

Prime farmland
Prime farmland if irrigated
Farmland of Statewide Importance
Farmland of Local Importance

The criteria lessens for each class making farmland of local importance the easiest class to get into. Farmland of local importance and any higher farmland class triggers eligibility for the Farm and Ranchlands Protection Program (FRPP), which is a program offered by the NRCS to help land owners protect their land through the use of conservation easements.

On January 9th, 2007, Area Resource Soil Scientist, Neal Svendsen, and the staff of the Bitterroot Valley Soil Survey met with the Bitterroot Conservation District and agreed on the proposed criteria for farmlands of local importance. Lake, Mineral, Missoula, and Sanders counties have all set up criteria for locally important farmland. So the purpose of meeting with the conservation district was to review the criteria from these other counties (especially Missoula County) to see if the yield criteria were appropriate for Ravalli County. Concerns were raised by the conservation district board members that this designation not be used in the newly revised subdivision regulations. The intent of this designation of the soil map units is mostly to allow for eligibility of these lands for the FRPP and not that it be used in any way in the subdivision review process. To my knowledge it is not used in this fashion by any of the above mentioned counties that have already approved the designation.

Farmlands of local importance identifies lands that may have the next best potential for agricultural uses (farming or grazing) beyond what is already designated as prime or statewide. By looking at the yield criteria, you will notice that the thresholds are fairly low (especially for grazing) for getting into this class.

The criteria is as follows:

The soil map unit is not already designated as Prime Farmland, Prime Farmland if irrigated, or Farmland of Statewide Importance, and has one or more of the following:

1. Soil map units that have 50% or more named components meeting prime or statewide criteria and/or
2. Soil map units that have slopes less than or equal to 15%, are not frequently flooded, are poorly drained or better, and where at least 50% of the named components meet at least one of the following minimum yields:
 - a. Irrigated alfalfa hay yields > 4.0 tons/ac.
 - b. Irrigated grass hay yields > 3.0 tons/ac.
 - c. Non-irrigated grass hay yields > 1.0 ton/ac.
 - d. Irrigated alfalfa-grass hay yields > 3.5 tons/ac.
 - e. Irrigated pasture > 5.0 AUM.
 - f. Non-irrigated pasture >1.0 AUM.

I hope this helps clear up some confusion on this designation. Please let me know if you have any further questions about the soil survey.

Regards,
Jay

Phone Conversation Between Randy Fifrick and Terry Nelson
November 12, 2007

I asked Terry if they would like to offer any mitigation for the Esau subdivision or wait until the commissioner meeting and negotiate at that time.

Terry said he would prefer to wait until the Commissioner meeting and deal with mitigation at that time.

